

**ORDINANCE NO. \_\_\_\_\_, SERIES 2008**

**AN ORDINANCE AMENDING CHAPTER 4, PART 3 OF THE LAND DEVELOPMENT CODE TO PERMIT DRIVE-IN RESTAURANTS AS A PERMITTED USE WITH SPECIAL STANDARDS WITHIN THE C-1 COMMERCIAL ZONING DISTRICT (CASE NO. 10415).**

**Sponsored By: \_\_\_\_\_**

**WHEREAS**, on February 7, 2008, the Louisville Metro Planning Commission ("Commission") held a public hearing in accordance with KRS Chapter 100 to consider amending Chapter 4, Part 3 of the Land Development Code to permit drive-in restaurants as a permitted use with special standards within the C-1 Commercial Zoning District; and

**WHEREAS**, the Metro Council has reviewed the record made by the Planning Commission in Case No. 10415 and concurs in and adopts the findings and recommendations of the Planning Commission and wishes to adopt the proposed amendment to Chapter 4, Part 3 of the Land Development Code;

**BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:**

**SECTION I:** The Metro Council hereby adopts the following amendment to Chapter 4, Part 3 of the Land Development Code:

**Section 4.3.1          Intent and Applicability**

Certain uses are appropriate in certain districts only if special standards are applied. Waivers and variances for these special standards shall not be permitted because the uses listed below may only be permitted when these standards have been met. These uses listed in this Part are permitted in the districts indicated provided they conform to the standards and requirements listed in each section.

4.3.10 Drive-in Restaurants In the C-1 Zoning District

Drive-in Restaurants may be permitted within in the C-1 zoning district in accordance with the following special standard:

A. A property used for a drive-in restaurant shall be at least 400 feet from a property used or zoned residentially (residential zones shall include properties zoned office-residential) unless developed as a non-residential use.

**SECTION II:** This Ordinance shall take effect upon its passage and approval.

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Kathleen J. Herron  
Metro Council Clerk

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Rick Blackwell  
President of the Council

\_\_\_\_\_  
Jerry E. Abramson  
Mayor

\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Irv Maze  
Jefferson County Attorney

BY: \_\_\_\_\_